

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

VIRGINIA PAIGE JENKINS,
Administratrix of the Estate of Erin Jenkins,

Plaintiff,

v.

Civil Action No. 3:15-cv-355 (MHL)

SHERIFF C. T. WOODY, et al.,

Defendants.

BRIEF IN SUPPORT OF JOINT MOTION TO APPROVE
WRONGFUL DEATH SETTLEMENT

Virginia Page Jenkins and Deputy Elizabeth Beaver, both by counsel, submit their Brief in Support of Joint Motion to Approve Wrongful Death Settlement. In support of their Motion, Plaintiff and Deputy Beaver would show as follows.

1. Erin Jenkins died on August 2, 2014.
2. The Plaintiff is Virginia Paige Jenkins, the surviving mother of the decedent Erin Jenkins. Virginia Paige Jenkins was appointed the Administratrix of the Estate of Erin Jenkins by order on August 27, 2014.
3. The Plaintiff alleged, among other things, in her Third Amended Complaint that during her incarceration at Richmond City Justice Center from July 25, 2014 until August 1, 2014, the decedent suffered a perforated duodenal ulcer and that Deputy Beaver while working at Richmond City Justice Center allegedly failed to timely recognize, treat, and/or report her observations about decedent on August 1, 2014, resulting in decedent's death on August 2, 2014.
4. Deputy Beaver expressly denies any liability for all claims of whatever nature against her, including all claims pursuant to Virginia Code § 8.01-50, 42 U.S.C. § 1983, and/or

Virginia law that the Plaintiff and statutory beneficiary may have arising out the allegations in the Third Amended Complaint concerning the decedent, Erin Jenkins, during her incarceration from July 25, 2014 until her death on August 2, 2014. Deputy Beaver, nonetheless, has agreed to a compromised settlement with the Plaintiff and the statutory beneficiary to avoid further litigation of the claims.

5. The Plaintiff acknowledges that Deputy Beaver denies the allegations against her in the Third Amended Complaint and that the settlement and compromise of these claims do not include an admission of liability by Deputy Beaver. The Plaintiff acknowledges that the results of litigation can be uncertain and therefore believes it is in the best interests of the beneficiary of the Estate of Erin Jenkins, deceased, to enter into this agreement.

6. The Plaintiff warrants that she has agreed to a full and final settlement of all claims on terms to be set forth in the proposed order including payment of the total sum of \$350,000.00 (Three Hundred and Fifty Thousand and 00/100s Dollars), inclusive of all attorneys' fees, costs, and sanctions, in full satisfaction of any and all claims against Deputy Beaver brought or that could have been brought as a result of this action

7. The Plaintiff warrants that the statutory beneficiary of the Estate of Erin Jenkins, deceased, pursuant to Virginia Code § 8.01-53 are as follows: G. Jenkins, the daughter of the decedent.

8. The parties warrant that the order approving settlement provides for a payment to be made after the time of the approval of the settlement and compromise in the amount of \$350,000.00.

9. The parties warrant that notice of the compromise and settlement will be given to all interested parties, including the beneficiary, Plaintiff, and guardian ad litem, in accordance with the provisions of Virginia Code § 8.01-55.

10. The Plaintiff requests that this Court approve the settlement with Deputy Beaver in the sum of \$350,000.00 to be distributed as follows:

- a. \$140,000.00 for attorneys' fees;
- b. \$61,648.27 for reimbursement of advanced litigation costs; and
- c. \$148,351.73, present value, to be paid for the benefit of the statutory beneficiary.

(The precise structured settlement figures and payouts are still being calculated and may change slightly by the date of the hearing.)

11. Deputy Beaver prays for the dismissal of the suit after approval of the proposed settlement and that this entire matter should be dismissed with prejudice following entry of the proposed order of this Court approving this settlement.

WHEREFORE, pursuant to the Virginia Code § 8.01-55, the Plaintiff and Deputy Beaver move this Court to approve the settlement that the parties have reached in this matter and apportion the settlement amount according to the law; and that the Court then dismiss the suit with prejudice as to all remaining parties to the suit.

DEPUTY ELIZABETH BEAVER

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CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of March, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such Filing (NEF) to the following:

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And I hereby certify that I will mail the document by U.S. mail, first-class postage prepaid, to the following non-filing user(s): none.

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